

### **REMARKS**

The Non Final Office Action mailed August 31, 2009 has been reviewed and carefully considered. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-20 are pending in this application. Claims 1, 8 and 14 have been amended. No new matter has been added.

### **§103 REJECTIONS**

Claims 1-14 and 16-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (US 2006/0161956) in view of U.S. Patent Application No. 2009/0044226 to Ellis et al. (hereinafter Ellis '226). While Applicant respectfully disagrees with the rejections, Applicant has made amendments to further clarify the distinguishing features of the present invention over the cited references.

Namely, independent claims 1, 8 and 14 have been amended to recite, *inter alia*:

“...a reminder options feature for permitting a user to indicate at least one of a plurality of devices, capable of displaying the programming event, on which the reminder is to appear, and enabling the user to simultaneously select at least one device on which the reminder is designated to appear which is not capable of receiving the broadcast programming event and at least one device which is capable of receiving the broadcast programming event;...”

These amendments are supported by the specification, e.g., on page 6, lines 23-35 and FIG. 3, (213, 215, 217).

Wasilewski involves a system and method for managing user-defined settings, such as reminder messages for reminding the user of upcoming television programs, in a

television system. Reminder messages are scheduled by the user via a first digital home communication terminal (DHCT or set top box) which transmits a reminder request to a second DHCT.

Wasilewski discusses wherein a user may designate one or more locations where a reminder may be provided for a television program. Paragraph [0110] recites:

“A user may selection option 803 to schedule a reminder that is to be provided by a DHCT (e.g., DHCT 200-1) that is driving the television that the user is currently viewing. A user may alternatively select option 802 in order to schedule a reminder that is to be provided by another DHCT (e.g., DHCT 200-2) located remotely or at the customer premises (i.e., a DHCT that is not driving the television that the user is currently viewing). **If the user desires that a reminder be provided at more than one location (e.g., via DHCT 200-1 and DHCT 200-2), then the user may select option 804 which results in a reminder being provided by a plurality of DHCTs located at the customer premises.** Alternatively, the user may enter identification information for each respective DHCT 200 for which the user wishes to transmit the reminder or applicable information.”

*[emphasis added]*

The Examiner argues that Wasilewski discloses enabling the user to select at least one device on which the reminder is to appear which is not capable of receiving the broadcast event and cites paragraphs [0030] and [0073]. However, Applicant respectfully points out that the cited paragraphs [0030] and [0073] merely generally mention a DHCT settings **transfer system** which allows a user to receive DHCT settings (e.g., program reminders) via a device that is not a DHCT (e.g., via a personal computer). In other words, Wasilewski seems to simply imply wherein one DHCT may communicate its settings to another device which is not a DHCT. Paragraph [0030] recites, *inter alia*:

“...User defined settings may be transmitted by the DHCT 200-1 to the DHCT 200-2 via the headend 300-1 and the headend 300-2. The headends 300-1 and 300-2 may be coupled via a network 150, which may be, for example, the Internet. In another embodiment, a user may be able to receive DHCT settings (e.g., program reminders) via a device that is not a DHCT (e.g., via a personal computer).”

However, a system which simply describes wherein a DHCT can communicate with and transmit information to another DHCT and perhaps other devices (which may not be a DHCT) is not to be confused with a set top box which provides a user with the ability to directly indicate the desired set top box and non-set top box devices on which a reminder is to appear. Wasilewski does NOT disclose or suggest a set top box which itself is configured to enable a user to directly select and indicate the desired devices (the devices indicated may or may not be a set top box) on which a reminder is to appear. Namely, Wasilewski fails to disclose or suggest at least a reminder customizer on a first instrument which includes a reminder options feature for permitting a user to indicate at least one of a plurality of devices, capable of displaying the programming event, on which the reminder is to appear, and enabling the user to simultaneously select at least one device on which the reminder is designated to appear which is not capable of receiving the broadcast programming event and at least one device which is capable of receiving the broadcast programming event, essentially as claimed in claims 1, 8 and 14.

The Examiner has cited Ellis '226 as allegedly disclosing the claimed 'auto-tune' feature. Regardless, Applicant respectfully submits that Ellis '226 fails to cure at least the above-mentioned deficiencies of Wasilewski. Ellis '226 teaches an interactive program guide system that allows a user to adjust the user setting of a plurality of program guides at different user television equipment devices within a household from a single location (set top box).

Ellis '226 mentions that a reminders feature may be provided allowing a user to set a reminder for a television program, which may be displayed on the user's TV screen just before the TV program is to be broadcast. Ellis '226 also discusses that the user may select

desired program guide locations to which reminder are to be applied. However, such varied locations are program guide locations (i.e., set top box locations) within a household only. *See* paragraph [0010], reciting *inter alia*: “Each piece of user television equipment may be located in a different part of the home...” and paragraph [0111] reciting *inter alia*: “If set reminder screen 350 is not cancelled, the user selects the program guide locations (i.e., the locations of the various user television equipment devices within the household) to which the adjustments are to be applied by selecting apply to all option 205, current location option 209, or by selecting the select locations option 206...”

Ellis ‘226 is silent with respect to enabling user to designate non-TV devices on which the reminder is to appear, and from this it follows that Ellis ‘226 cannot possibly be said to teach enabling a user to select both “TV” and “non-TV” devices on which a reminder is to appear, essentially as presently claimed.

Indeed, Ellis ‘226 fails to disclose or suggest at least a reminder customizer on a first instrument which includes a reminder options feature for permitting a user to indicate at least one of a plurality of devices, capable of displaying the programming event, on which the reminder is to appear, and enabling the user to simultaneously select at least one device on which the reminder is designated to appear which is not capable of receiving the broadcast programming event and at least one device which is capable of receiving the broadcast programming event, essentially as claimed in claims 1, 8 and 14.

Accordingly, claims 1, 8 and 14 are asserted to be patentable and nonobvious over Wasilewski and/or Ellis ‘226 for at least the reasons stated above. Claims 2-7, 9-13 and 15-17 depend from claims 1, 8 and 14, respectively. The dependent claims include the

limitations of their respective independent claims and are therefore believed to be patentable and nonobvious for at least the reasons stated for claims 1, 8 and 14.

Claim 15 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (US 2006/0161956) in view of Ellis '226 and further in view of Ellis et al. (US 2005/0235322), hereinafter Ellis '322. Claims 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (US 2006/0161956) in view of Ellis '226 and further in view of Knudson et al. (US 2008/0184313), hereinafter Knudson.

The rejection of claims 15 and 18-20 is based, in part, on the contention that Wasilewski and/or Ellis '226 disclose or suggest the features of claims 1, 8 and 14, from which such claims depend. However, it is clear that the combination of Wasilewski and/or Ellis '226 with Ellis '322 and/or Knudson is legally deficient, since, at the very least, as explained above, Wasilewski and/or Ellis '226 do not disclose or suggest the features of presently amended claims 1, 8 and 14 from which claims 15 and 18-20 depend.


Accordingly, withdrawal of all the rejections and early and favorable reconsideration of this application is respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Non Final Office Action of August 31, 2009 be withdrawn, that pending Claims 1-20 be allowed, and that the case proceed to early issuance of Letters patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

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